

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**SUBDIVISION REPORT #FPP-13-05**  
**GLACIER GATEWAY RV RESORT**  
**NOVEMBER 27, 2013**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request for preliminary plat approval of Glacier Gateway RV Resort, a 62-space Recreational Vehicle Park on approximately 13.35 acres which is undergoing review as a 'Subdivision for Lease or Rent'. The proposal site is located approximately 2 miles east of Columbia Falls at 7605 US Highway 2 East.

The Flathead County Planning Board will conduct a public hearing on the proposed subdivision on December 11, 2013 beginning at 6:00 PM in the 2<sup>nd</sup> Floor Conference Room, 1035 1<sup>st</sup> Ave West, Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. Final action on this proposal by the governing body must be taken prior to February 25, 2014, in accordance with the 80 working day review period identified in Section 4.1.4(a)(iv) of the Flathead County Subdivision Regulations (effective June 1, 2012). All documents pertaining to the subdivision are available for public inspection at the Flathead County Planning and Zoning Office in the Earl Bennett Building located at 1035 First Avenue West, in Kalispell.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee**

The proposal is not located within the advisory area of a Land Use Advisory Council.

**B. Planning Board**

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on December 11, 2013 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

**C. Commission**

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to February 25, 2014 which is the end of the 80 working day statutory review period. This space is reserved for a summary of the Commissioner's discussion and decision.

**II. GENERAL INFORMATION**

**A. Application Personnel**

**i. Applicant/Owner**

Toby and Jessica Gilchrist  
270 Battle Ridge Drive  
Kalispell, MT 59901

**ii. Technical Assistance**

Douglas Peppmeier  
TD&H Engineering  
450 Corporate Drive, #101  
Kalispell, MT 59901

**B. Project Description:**

The proposal is for preliminary plat approval of Glacier Gateway RV Resort, a 62-space Recreational Vehicle Park on approximately 13.35 acres which would be accessed directly from

US Highway 2 East. The applicant is proposing to establish public water and sewer systems to serve the facility. The proposal includes two requested variances: 1) 4.7.19(b) - pertaining to dedication of a pedestrian/bicycle pathway easement and 2) 4.7.17(a) - pertaining to paving of internal roads. The variance requests will be specifically addressed below in Section IV.C of this report.

**C. Legal Description:**

The property can be legally described as Tract 1B in Section 11, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana (see Figure 1 below).

**D. Detailed Location:**

The subject property at 7605 US Highway 2 East is located approximately 1 mile north of the intersection of Mt Highway 206 and US Highway 2 East approximately 2 miles east of Columbia Falls.

**Figure 1: Location of subject property (highlighted yellow)**



**E. Subdivision Layout Detail:**

<b>Total Subdivision Acreage</b> .....	13.35 acres
<b>Acreage in Lots (spaces)</b> .....	4.20 acres
<b>Acreage in Streets/Roads (net)</b> .....	1.50 +/- acres
<b>Park, Common Area and/or Open Space Acreage</b> .....	7.65 acres
<b>Minimum Space Size</b> .....	1732 +/- ft2
<b>Maximum Space Size</b> .....	3360 +/- ft2
<b>Overall Gross Lot Density</b> .....	N/A
<b>Easements</b> .....	none





### **iii. Proposed Land Use**

The proposal is reviewed as a ‘Subdivision for Lease or Rent’ and would not divide the subject property or create new parcels of land. The proposal is for preliminary plat approval of Glacier Gateway RV Resort, a 62-space Recreational Vehicle Park on approximately 13.35 acres. The proposal includes creation of a new on-site public sewer system consisting of two septic drainfields and creation of a new on-site public water system comprised of one well and associated infrastructure. Each RV space would be equipped with individual water and sewer service connections and common restroom and laundry facilities would be available to all guests. Internal access would be via 20-foot wide one way and 25-foot wide two-way internal roads, and an additional emergency exit on the east area of the RV Park would approach onto Monte Vista Way. While the preliminary plat indicates five proposed cabins in the northeast corner of the property, those features are not specifically included in the review of the RV park, but instead are reviewed separately by the Flathead County Environmental Health Department pursuant to requirements of Title 50 Chapter 52 MCA.

## **G. Area Characteristics**

### **i. Description of Area Surrounding Proposed Subdivision**

As shown in Figures 1 and 2 above, the area surrounding the subject property is predominantly rural forested and cleared lands used for residential and commercial purposes. The subject property abuts undeveloped US Highway 2 East to the northwest, a BPA transmission line corridor in a 200 foot wide easement to the southeast and privately owned tracts and lots which have been developed with residential uses on the northeast and southwest sides of the proposed RV Park.

### **ii. Average Parcel Acreage**

Parcel sizes in the area surrounding the subject property generally range from 1/2 acre to 12 acres in size, with the exception of larger undeveloped tracts across US Highway 2 and United States Forest Service lands to the east of the proposal site beyond Berne Road.

### **iii. Zoning**

As shown in Figure 3 above, the subject property is zoned ‘Scenic Corridor’ with areas zoned SAG-10 across US Highway 2 to the west and unzoned areas occurring to the south and east of the subject property .

### **iv. Land Uses**

Located adjacent to US Highway 2 which is the main travel corridor between the populated Flathead Valley and Glacier National Park, lands in the vicinity and surrounding the proposed RV park are predominantly used for residential and commercial purposes.

## **H. Utilities and Services**

### **i. Water**

New onsite public water system proposed

### **ii. Wastewater**

New onsite public septic system proposed

### **iii. Electricity**

Flathead Electric Cooperative

### **iv. Natural Gas**

Northwest Energy gas lines adjacent to site

### **v. Solid Waste**

Contract haul – Evergreen Disposal

### **vi. Telephone Service**

CenturyTel

**vii. Schools District(s)**

Columbia Falls (K-8)

Columbia Falls High School (9-12)

**viii. Fire Districts**

Badrock Fire District

**ix. Police**

Flathead County Sheriff's Department

**III. COMMENTS RECEIVED**

**A. Agency Referrals**

In accordance with applicable subdivision review requirements, agency referrals for comments on the proposed RV Park were sent to pertinent agencies on October 31, 2013:

As of the date of completion of this staff report, the following comments have been received:

- Four agency comments have been received as of the date of this report which express no outstanding concerns with the proposal. These comments were submitted by Flathead County Solid Waste District, Flathead City-County Health Department, Flathead County Road and Bridge Department, and Flathead County Weed, Parks, and Recreation Department.
- Comment submitted by Bonneville Power Administration (BPA) discusses a 200-foot wide BPA transmission line easement adjacent to the subject property, and indicates BPA apparently has the right to remove or trim vegetation on the subject property adjacent to the transmission line corridor.
- Comment submitted by Montana Department of Transportation indicates 1) a new approach permit for access to the property from US Highway 2 would be required, and 2) regarding pedestrian/bicycle pathway variance request, MDT does not 'grant easements' within the right-of-way but is amenable to allowing a separated pedestrian/bicycle pathway within the dedicated public right-of-way.
- Comment submitted by Montana Department of Natural Resources and Conservation (DNRC) indicates there are no existing water rights for the property, and the letter discusses various water right permitting considerations.

**B. Public Notice**

In accordance with Section 4.0.14 FCSR, adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on November 18, 2013. Legal notice of the public hearing on this application will be published in the November 24, 2013 edition of the Daily Interlake. Notice of the public hearing was physically posted on the subject property by planning staff on November 12, 2013. As of the date of the completion of this staff report, no public comments have been received regarding the proposal. Written public comment will be received until 5:00 PM on December 11, 2013. Any written public comment received after November 27, 2013 will be summarized verbally and entered into the public record during the Planning Board hearing on December 11, 2013, and anyone wishing to provide verbal public comment may do so in person at the hearing.

## IV. LOCAL GOVERNMENT REVIEW

### A. Review Criteria

The proposal is reviewed as a major 'Subdivision Created By Lease or Rent' in accordance with statutory criteria and the 'Recreational Vehicle Park and Campground Standards' outlined in Section 4.5.7 of the Flathead County Subdivision Regulations (FCSR) effective June 1, 2012. Findings in this portion of the report are applicable to the impacts of the proposal on the review criteria listed.

#### i. Impact on Agriculture

The subject property has not been used for agricultural purposes. Forested with rolling terrain comprised of Mires gravelly loam soil type, the site is not particularly suited for traditional agricultural uses as it has relatively high capability unit ratings of IV-VI. Some area properties appear to have been used for past silvicultural purposes, but do not appear to be actively used for timber sales or harvesting.

**Finding #1** – There would be minimal impact on agriculture and silvicultural activities as a result of the proposed subdivision because the property is not used for agricultural purposes, is not situated with highly suitable soils for agricultural, and is not adjacent to lands currently used for agricultural or silvicultural uses.

#### ii. Impact on Agricultural Water User Facilities

The subject property has no surface waters, is not irrigated, has no irrigation infrastructure on site, and is not in an irrigation district or party to any irrigation agreements.

**Finding #2** – There would be no impact to agricultural water user facilities because the subject property is not irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements.

#### iii. Impact on Local Services

##### 1. Water and Wastewater

The proposal is to establish a new onsite water and wastewater treatment system in order to adequately serve the 62 proposed RV spaces and additional associated structures of the facility. The subject property is not located within close proximity to an existing public water and sewer district, and the proposed water and wastewater systems would constitute public water and sewer systems. Comment provided by Marc Pitman of the MT DNRC indicates no water rights associated with the property are currently established, and that either a ground water certificate or a water right permit would be required for the new public water system. The developer should be required to demonstrate the necessary ground water certificate or water right permit has been acquired as applicable for the use of the onsite wells to be used to serve the facility prior to final plat.

Based on submitted agency comment, the public water and sewer systems for the proposed RV Park would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

##### 2. Schools

The subject property is located within the Columbia Falls School District for K-8 students and the Columbia Falls School District #8 for high school education. The proposed RV Park is not anticipated to generate permanent school aged children as it is intended to serve as a seasonal recreational facility.

### **3. Mail Delivery**

The application indicates no mail service is proposed. In the event the owners desire to establish a new mail address and location for mail service, review and written approval from the local postmaster would be required as a condition of preliminary plat approval.

### **4. Recreation**

The subdivision offers many recreation opportunities given its proximity to Glacier National Park and National Forest lands for hiking, camping, and hunting, and area lakes and rivers for swimming, fishing, and boating. The preliminary plat indicates approximately 1.5 acres of open space would be established near the entrance of the RV park to provide for a play area and dog run, and the recreational area surpasses the requirement for a minimum 5,000 ft<sup>2</sup> ‘tot-lot’ which is applicable to all RV parks pursuant to Section 4.5.7(h) FCSR .

US Highway 2 East, adjacent to the proposal site is a route identified on the Flathead County Trails Plan as a planned future route for a bicycle/pedestrian path. Pursuant to Section 4.7.19 FCSR a 15-foot wide easement is required to be established along the property boundary for the purpose of locating the future pathway, and the applicant is requesting a variance from this requirement because such an easement is not feasible due to the placement of an existing structure (proposed office) within 15 feet from the western property boundary. The variance request will be specifically addressed below in Section IV.C of this report.

### **5. Transportation Network (Roads)**

Primary access to the RV park facility would be from US Highway 2 via an existing driveway proposed to be re-developed and paved to its intersection with the looped internal road network which is proposed to have un-paved gravel surface. All RV spaces would be accessed from the internal one-way and two-way road network proposed to be constructed in different sections varying in width between 20-feet and 25-feet. The three loop segments and a proposed cul-de-sac would provide pull-thru access for spaces 1-31 and back-in access for spaces 32-62. The preliminary plat indicates a fire/emergency exit, not intended for regular ingress/egress, would approach onto adjacent Monte Vista Way, a gravel County road.

The submitted Environmental Assessment indicates the proposed RV Park is estimated to generate 312 vehicle trips per day at full occupancy during the peak season. The Montana Department of Transportation has indicated an approach permit would be required to be obtained for the facility approach onto US Highway 2. The proposed emergency access onto Monte Vista Way is located at an area with no existing driveway or approach permit Pursuant to Section 4.7.16 FCSR the preliminary plat should be conditioned to require obtaining an approach permits for the approach from the facility entrance onto US Highway 2 and for the emergency access onto Monte Vista Way.

With the exception of the paved facility entrance the applicant wants to use unpaved internal roads. As internal subdivision roads are required to be paved per Section 4.7.17(a) FCSR, the application includes a variance requesting relief from paving of the internal roads. The variance request will be specifically addressed below in Section IV.C of this report. If the variance is granted by the Board of Commissioners, the transportation network would comply with the Flathead County Subdivision Regulations, otherwise the internal roadways would be required to be paved.



## **6. Fire/Emergency Medical Services**

The site is located within the service area of the Badrock Fire District and the local fire station is located approximately 2.5 miles from the site. North Valley Hospital is located approximately twelve miles from the site, Kalispell Regional Medical Center is located approximately twenty miles from the site, and the RV Park is able to be served by medical helicopter services as well as the Badrock Fire District.

Staff notes the proposed widths of the one-way and two-way internal roads comply with the minimum width standards for RV Park roads as outlined in Section 4.5.7 FCSR and the design appears specifically intended to accommodate large RV's which are similar in size to emergency response vehicles. The proposed internal road network appears capable to allow for safe ingress/egress of emergency vehicles during all seasons. If the requested variance is approved the proposed internal road network would comply with the Flathead County Subdivision Regulations.

## **7. Police Services**

The property is located in an unincorporated area of Flathead County and is therefore served by the Flathead County Sheriff. Although solicited, the Sheriff's Department has provided no comment. Given existing staffing levels, the size of the County and the dispersed nature of the population, service to the RV Park is anticipated to be consistent with other unincorporated rural areas of Flathead County and delayed response times may be experienced.

## **8. Solid Waste Disposal**

The applicant has indicated contract haul will be the mechanism for solid waste disposal for the proposed RV Park. Comment from the Flathead County Solid Waste District indicated Evergreen Disposal is the Public Service Commission licensed hauler for this area, and that the proposed subdivision is approaching the issue of solid waste in an appropriate manner.

## **9. Other Utilities**

Electric utilities currently exist and are located within the subject property and along the US Highway 2 right-of-way. New electric utilities to serve the proposed expansion area will be placed underground to serve all spaces within the proposed RV Park.

**Finding #3** - The developer proposes to use an onsite well as the water source for the proposed public water system, and comment from the Montana Department of Natural Resources and Conservation indicates a water right would be required in order to use a water well for that purpose. If the developer demonstrates legal use of well water serving the public water supply there would be no adverse impact related to water quantity and availability because use of the well water for public water supply would be legally established.

**Finding #4** – The proposal for water and wastewater treatment services for the proposed 62 RV spaces appears reasonable because those systems would be public water and wastewater systems subject to applicable permitting and monitoring approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

**Finding #5** – Adverse impacts related to recreation are not anticipated as a result of the proposed RV Park subdivision as the proposed playground area is compliant with FCSR Section 4.5.7(h), other recreation amenities including open space and a dog-run area are available to campground/RV park guests, and the site is located in close proximity to Glacier National Park, forest lands, and area lakes and rivers offering a wide array of recreational opportunities to RV park users.



**Finding #6** – Minimal impacts to the existing transportation network are anticipated because the RV Park is accessed by a paved public highway, an approach permit for the facility entrance onto US Highway 2 can be obtained from the Montana Department of Transportation, an approach permit for the fire access/emergency exit onto Monte Vista Way can be obtained from the Flathead County Road and Bridge Department, and the internal road network would be constructed to applicable County standards for gravel roads.

**Finding #7** - The proposed primary access via US Highway 2 East and the proposed internal traffic lanes appear reasonable for providing effective and safe access for guests and emergency service providers because the proposed widths of the one-way and two-way internal roads comply with the minimum width standards for RV Park roads outlined in Section 4.5.7 FCSR, and design of the proposed internal roadways in compliance with applicable road standards would ensure adequacy for heavy and large vehicles such as RV's and emergency response vehicles.

**Finding #8** - Impacts on local services would be acceptable with the imposition of standard conditions because spaces within the proposed RV Park subdivision will be served by a newly created onsite public water system and a newly created onsite public sewer system, the facility will utilize contract haul services for solid waste, the site will be served by the Badrock Fire District and the Flathead County Sheriff's Department in the event of an emergency, and the facility will be served by electric utilities extended underground in conformance with the applicable regulations.

#### **iv. Impact on the Natural Environment**

##### **1. Water Quality**

There are no surface waters, riparian areas, wetlands, or known areas of shallow ground water located on the subject property. Submitted information indicates depth to groundwater on the site of the proposed wastewater treatment system exceeds eight feet from the surface. Wastewater would be managed through a new onsite public wastewater system consisting of 6" gravity sewer mains and two subsurface drainfield treatment systems to be located as shown on Sheet 2 of the preliminary plat and the submitted information. The soils onsite are highly permeable, and stormwater runoff would be managed onsite through sheet-flow absorption into the ground and in drywells and infiltration trenches as indicated in the submitted 'Storm Drainage Report'.

The water supply, sanitation, and stormwater drainage for the subdivision would be reviewed and required to be approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality (DEQ), as applicable.

##### **2. Air Quality**

The applicant has submitted a Dust Control Plan which specifically addresses the proposal for non-paved gravel internal roads. While the submitted plan indicates internal traffic speeds would be low and therefore not generating excessive dust, a dust palliative such as magnesium chloride or equivalent is proposed to be applied as needed. A note should be required to be placed on the face of the Revised Preliminary Plat that requires the owners of the facility to abide by the guidelines set forth in the plan during and after site construction and development activities including annual application of a dust palliative.

##### **3. Impact of Noise**

It is estimated that the development of the RV Park would generate minimal noise during construction. The proposed use of the RV Park is anticipated to generate certain noise associated with the campers recreating and RV generators, however it is anticipated the

RV Park would have established rules which would curtail noise after certain reasonable hours. The proposed use of the RV Park is not anticipated to generate permanent continuous noise which would adversely impact area residents or wildlife.

**4. Impact to Flora**

The subject property is heavily forested with mature conifer trees and thinning of ground level ladder fuels has previously occurred. Substantial clearing in preparation for construction of the infrastructure and 62 spaces of the RV Park is anticipated, and a vegetative buffer will be maintained along the perimeter of the site. The property appears generally free of noxious weeds, however site disturbance may encourage weed propagation if not managed properly. Pursuant to Section 4.7.25 FCSR the applicant would be required to establish and follow an approved Soil Disturbance and Weed Management Plan.

**5. Impact to Floodplain**

The subject property is not located in a special flood hazard area and is outside of the 0.2% annual chance flood area as depicted on FEMA FIRM Panels 1120G and 1435G.

**6. Impact to Riparian/Wetland Areas**

There would be no impact to riparian or wetland areas because no riparian or wetland areas occur on the subject property, and there are no surface waters located on or adjacent to the site.

**7. Impact to Historical Features**

Submitted comment from the Montana Historical Society indicates there are no apparent historical structures located on the subject property, and the proposal is not anticipated to impact historical features.

**Finding #9** – Impacts to water quality as a result of the proposed RV Park are anticipated to be minimal because there is no indication of high groundwater onsite; because the proposed public water system will be required to undergo review and receive approval from MDEQ as well as adhere to monitoring standards established by the state; because the proposed public water and sewer systems will be required to undergo review and receive approval from both MDEQ as well as the City-County Health Department to ensure the systems proposed will not degrade existing water quality and quantity, and; stormwater runoff would be managed onsite such that no surface runoff would directly enter state waters or wetland areas.

**Finding #10** – While the primary access to the RV Park is paved, the applicant has proposed gravel surfaces for the internal roads. The proposal would not adversely impact air quality through generation of dust if internal traffic speeds are kept very low as proposed and the applicant adheres to the provisions of the submitted dust control plan because the plan indicates a dust palliative such as magnesium chloride or equivalent would be applied to the internal roads at least once annually at the beginning of the peak summer tourist season.

**Finding #11** – While impacts to onsite flora are anticipated because the heavily forested site necessitates substantial thinning to allow the development of proposed road and utility infrastructure and the 62 RV spaces, no plant species of concern have been identified as being present on the subject property, completion and adherence to a weed control plan will be a condition of preliminary plat approval, and much of the subject property will remain in a relatively natural state as open space.

**Finding #12** - No impact to floodplain, wetland or riparian areas is anticipated as a result of the proposed subdivision because none of these features have been identified as existing on the subject property.

**Finding #13** – Minimal impacts to adjacent properties may be anticipated as a result of the noise created from development and use of the site because these impacts would be limited in duration and mitigated by the open space buffer surrounding the RV Park.

**Finding #14** – Adverse effects of the proposed subdivision on the natural environment would be minimal and acceptable with the imposition of conditions requiring the developer to mitigate dust and to take necessary steps to manage noxious weeds on site. Impact to the other criteria discussed relative to impact on the natural environment would be minimal and acceptable with the imposition of conditions.

#### **v. Impact on Wildlife**

Given the location of the proposal site which is directly adjacent to a major highway and situated in close proximity to residentially and commercially developed properties, minimal impact to wildlife would be expected as a result of the proposed RV Park. Based upon submitted information in the Environmental Assessment, the area of the county in which the RV Park is proposed is not a key habitat area for typical species of concern such as grizzly bear, black bear, mountain lion, and other mammals including lynx and wolverine.

**Finding #15** – Limited impacts to wildlife as a result of the proposed RV Park are anticipated as the proposal occurs in a semi-rural area directly adjacent to a major highway corridor and close in proximity to long-developed residential and commercial properties which don't provide prime habitat for endangered species or other wildlife species of concern. Impacts to wildlife occupying the site may be minimized with the imposition of conditions aimed to minimize attractants to wildlife by RV Park guests.

#### **vi. Impact on Wildlife Habitat**

The subject property and immediately surrounding areas are comprised of forested and cleared lands with some previously logged areas providing open pasture. The proposal appears to address impacts to wildlife habitat in a reasonable manner by maintaining open areas within the subdivision boundaries and by maintaining a vegetative buffer along the perimeters of the site.

**Finding #16** – Minimal impacts to wildlife habitat as a result of the proposed RV Park are anticipated because the subject property contains no particular sensitive habitat such as surface waters, wetlands, or riparian areas, and site development would aim to maintain open space and an undisturbed vegetative buffer along the perimeter of the site.

#### **vii. Impact on Public Health and Safety**

Findings in this part of the staff report are applicable to the impacts of the proposed RV Park on public health and safety.

##### **1. Flood Risk**

The FEMA map panels corresponding to this portion of Flathead County are 300029C1120G and 300029C1435G. The proposal would not introduce adverse impacts to public health and safety in regard to flooding because the subject property has no streams, wetlands or lakes and occurs in an area not designated as special flood hazard area.

##### **2. Water and Wastewater Treatment**

The proposed RV Park will create a new onsite water system which would constitute a public system according to comment provided by the Flathead County Environmental Health department. Public water systems are required to undergo frequent testing to

ensure the water quality and quantity meets the standards and requirements established by the Montana Department of Environmental Quality, thereby ensuring the health and safety of the users of the water from the system.

The RV Park would be served by a new public sewer system designed and constructed onsite in the southwestern area of the subdivision to meet the capacity demands of the park occupants. Each primary and replacement drainfield location will be required to meet the standards set forth by the Montana Department of Environmental Quality and Flathead City-County Health Department with regard to non-degradation analysis. Submitted data indicates depth to groundwater is greater than eight feet from the surface. On-site testing and soils analysis submitted with the application materials indicate the soils onsite are well-drained sandy/gravelly loams.

The proposed water supply and wastewater treatment of the RV Park would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality as applicable prior to approval of Revised Preliminary Plat.

### **3. Stormwater**

A drainage report submitted with the application materials indicates stormwater would be contained and managed on-site, and stormwater runoff is not anticipated to impact adjacent properties, surface waters, or area roads. As there would be more than one acre of ground cumulatively disturbed through the installation of subdivision improvements it is anticipated the developer will be required to obtain a General Permit for Stormwater Discharges Associated with Construction Activity (SWPP) issued by the MDEQ.

### **4. Traffic Safety**

The main entrance to the proposed RV Park would be a 24-foot wide paved drive approaching onto US Highway 2. At the site of the RV Park entrance, US Highway 2 is a four lane highway with a center turn lane which would facilitate safe ingress and egress of RV's without adversely impacting traffic on the highway. Internal access appears designed for efficiency and safety through a combination of one-way and two-way internal roads proposed to be constructed to Flathead County standards for gravel roads. With spaces designed for pull-thru and back-in access, RV's will be able to access all spaces in the park without the need for sharp turning, and the 62 proposed RV spaces appear to comply with the standards outlined in FCSR Section 4.5.7(c-f).

### **5. High Voltage Electric Lines/High Pressure Gas Lines**

While there are no high voltage electric lines or high pressure gas lines traversing the subject property, high voltage electric lines operated by BPA run within a 200-foot wide easement adjacent to the eastern property boundary and Northwest Energy high-pressure gas lines run within an easement adjacent to the western property boundary. While comment received from the Bonneville Power Authority (BPA) indicates the proposed subdivision would have no impact on any existing transmission lines, care should be taken when falling trees for the emergency fire access/exit onto Monte Vista Way, and it is anticipated the well-marked gas line should be properly located prior to re-construction of the facility entrance road.

### **6. Fire and Emergency Services**

As previously discussed, the proposed RV Park is located within the service area of the Badrock Fire District, and may also be served by Alert helicopter services and the Flathead County Sheriff's Department, depending upon the nature of the emergency.

The property is located in a forested area and the site is mapped as being located within the 'Wildland Urban Interface' (WUI) and within a medium priority area for wildfire fuels reduction mitigation. The application includes a draft "Fire Prevention, Control, and Fuels Reduction Plan" document which refers to onsite forest clearing work which will be performed for development purposes and which will result in substantial fuels reduction. Notes A through D of FCSR Section 4.7.27(a)(ii) should specifically address the RV Park spaces (as no lots are being created), and should be required to be placed on the face of the Revised Preliminary Plat.

Staff telephoned the applicant's technical representative to clarify the nature of the 'tanker recharge facility' which is shown on the face of the preliminary plat because the feature is not discussed in the submitted Environmental Assessment nor the Fire Prevention, Control, and Fuels Reduction Plan. Apparently the feature was originally considered but is not actually intended to be proposed, as the property will essentially have minimal fire-risk after site development and the site will have few permanent structures but will instead accommodate temporary transitory parking and camping of seasonal RV users. An agency referral requesting comment on the proposal was sent to the Badrock Fire District, and as of the date this report was prepared no comment from the District has been received indicating no concerns related to fire hazards onsite the District's ability to provide effective fire and emergency services.

#### **7. Geologic Hazards**

According to the Environmental Assessment submitted with the application materials confirmed by staff upon visit to the site, there is no evidence of unstable soils, rock outcroppings, falls or slides on the subject property that would indicate significant geologic hazards.

#### **8. Avalanche Hazards**

There are no avalanche hazards on the property.

#### **9. Airport Influence Areas**

The subject property is not located within an airport influence area.

#### **10. Soils**

As indicated by the application materials and other available information, the soil type at the location is referred to as Mires gravelly loam soils which are well-drained gravelly silt loams of gentle slopes. It is anticipated soils onsite would not pose a risk to public health and safety.

**Finding #17** – The RV park design appears to allow for safe movement of traffic and access to all spaces and provide safe access to public road because the spaces are sized and configured appropriately, the internal access roads are proposed to comply with the required minimum width standards for RV parks and would be constructed to meet established County gravel road standards.

**Finding #18** – While the proposal location is within area mapped as Wildland Urban Interface, the effects of this proposed RV Park on public health and safety are acceptable with the imposition of conditions regarding implementation of the 'Fire Prevention, Control, and Fuels Reduction Plan' because adequate physical and legal access to the site is currently provided, adequate emergency services are available, and anticipated forest clearing/thinning and fuels reduction would significantly reduce potential fire hazard on the site.



**Finding #19** – While a ‘tanker recharge facility’ is shown on the face of the preliminary plat, the applicant’s technical representative has indicated the feature is an error and not actually proposed as it was a previous conceptual idea which was determined not necessary based on the fact the site will undergo substantial clearing of forest and associated fuels as an element of site development, the facility operation is anticipated to be primarily seasonal, and RV campers are generally not prone to fire damages as RVs are mobile and the site will be equipped with two separate egress locations.

**Finding #20** – Minimal risks to public health and safety are anticipated and impacts to the other criteria discussed relative to public health and safety would be minimal and acceptable with the imposition of conditions because the site is not located in a special flood hazard area; soils are generally classified as well-drained and the proposal for water, sanitation, and stormwater is required to be reviewed and approved prior to installation of the proposed new facilities, and; there are no hazards associated with geology, avalanche, or airport influence areas.

**B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.**

The approval of the application would not result in the creation of new parcels or lots, but would delineate ‘spaces’ which would be approved for lease or rent. Pursuant to FCSR Section 4.5.2 FCSR, recreation vehicle parks are exempt from the surveying and filing requirements of the Montana Subdivision and Platting Act but must be submitted for review and approved by the Commissioners before portions may be rented or leased. FCSR Section 4.5.4(c) further clarifies procedures applicable to ‘Subdivisions Created By Lease or Rent’ stating “In lieu of filing a final plat, the subdivider shall submit to the Planning and Zoning Office four full size hard copies of a revised preliminary plat (Appendix F). The revised preliminary plat shall conform to the approved preliminary plat and the conditions of preliminary plat approval. The approved revised preliminary plat shall be maintained in the Planning and Zoning Office and with the Clerk and Recorder”.

**C. Compliance with the Flathead County Subdivision Regulations**

In order to comply with the FCSR, the proposal includes two requested variances: 1) 4.7.19(b) - pertaining to dedication of a pedestrian/bicycle pathway easement adjacent to US Highway 2 East, and 2) 4.7.17(a) - pertaining to paving of internal roads.

Variance Request to Section 4.7.19(b) FCSR

Regarding the proposal for not dedicating a bicycle/pedestrian path easement, the application includes a request for a variance from FCSR Section 4.7.19(b) which states: *Easements at least 15 feet wide for pedestrian/bicycle paths shall be required adjacent to public arterial and collector roads where such roads abut the subdivision boundaries when the specific location is identified as a proposed arterial or connector trail route in the Flathead County Trails Plan.* US Highway 2 East, adjacent to the proposal site is a route identified on the Flathead County Trails Plan as a planned future route for a bicycle/pedestrian path. Pursuant to Section 4.7.19 FCSR a 15-foot wide easement is required to be established along the property boundary, approximately 500 feet in length, for the purpose of locating the future pathway, and the applicant is requesting a variance from this requirement because an existing structure (proposed office) is situated within 15 feet from the western property boundary where the easement would be established.

Subject to compliance with FCSR Section 4.0.11, the Commission shall not approve a variance unless it finds that all of the following are met:

- a. The variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
  - The variance request indicates the matter will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties because granting of the variance will not hinder successful completion of a future path if one is attempted to be developed along the route because there is adequate space in the adjacent MDT right-of-way to accommodate the path, and MDT has expressed that it generally allows paths to be built in the public right-of-ways.
- b. Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self imposed;
  - The stated unique hardship is due to the fact that an existing residential structure currently exists within 15-feet of the property boundary directly in the area the easement would occupy. The structure is not proposed for demolishing or abandonment but instead would be converted to the office facility for the RV Park.
  - Staff notes the property has approximately 500 feet of frontage along US Highway 2 and the stated 'hardship' appears more a matter of convenience as strict compliance with the regulations will not impose an undue hardship on the owner. The existing structure would not be required to be removed or relocated and establishment of the required easement would still be of value for the contemplated future path which would be enabled to be developed more safely with separation from the highway traffic for approximately 400 feet.
- c. The variance will not cause a substantial increase in public costs, now or in the future;
  - The application states the variance will not cause an increase in costs to the public. Staff notes the RV Park would be privately owned and maintained, and there is not currently an actual project being implemented to develop a bicycle/pedestrian path along the specific section of the proposed arterial route shown on the Flathead County Trails Plan.
- d. The variance will not place the subdivision in nonconformance with any adopted growth policy, neighborhood plan or zoning regulations;
  - The application suggests the variance will not place the subdivision in nonconformance with any adopted growth policy, neighborhood plan or zoning regulations because the site is zoned 'Scenic Corridor' which only applies to off-premises advertising and placement of cell towers. The application doesn't address the Flathead County Trails Plan which was adopted as an element of the Flathead County Growth Policy per Resolution No. 2015-O. The Trails Plan indicates a proposed arterial path route adjacent the subject property, and a current County CTEP trail project called Gateway To Glacier is currently being developed along US Highway 2 East between Coram and West Glacier with a vision of being further extended southwesterly to ultimately provide connectivity with the Flathead Valley and Columbia Falls. Therefore, viewed in this context, granting of the variance would place the subdivision in non-conformance with the Flathead County Trails Plan and the Flathead County Growth Policy.
- e. The variance is consistent with the surrounding community character of the area.
  - The application suggests the variance is consistent with the surrounding community character of the area without further explanation. Staff notes that other similarly situated

platted subdivisions (i.e. Monte Vista Subdivision and Columbia Heights Subdivision) along that stretch of US Highway 2 East do not have dedicated pathway easements where their boundaries abut the highway right-of-way.

**Finding #21** – The requested variance from the requirements of Section 4.7.19(b) FCSR meets three of the five criteria required for a variance to be granted because there is adequate space in the adjacent MDT right-of-way to potentially accommodate a future path, and MDT has expressed that it generally allows paths to be built in the public right-of-ways, thus would not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties; granting of the variance would not increase in public costs, now or in the future as the RV Park would be privately maintained, and; granting the variance would not be inconsistent with the surrounding community character as other platted subdivisions in the vicinity do not have pathway easements where their boundaries abut the highway right-of-way.

**Finding #22** – The requested variance from the requirements of Section 4.7.19(b) FCSR fails to meet two of the five criteria required for a variance to be granted because the stated hardship is more a matter of convenience as strict compliance with the regulations would not impose an undue hardship on the owner, and granting of the variance would place the subdivision in non-conformance with the Flathead County Trails Plan and the Flathead County Growth Policy as the Trails Plan was adopted by Resolution No.2015-O as an element of the Growth Policy and the Trails Plan indicates a proposed future arterial path route adjacent the subject property.

**Finding #23** – The requested variance from the requirements of Section 4.7.19(b) FCSR should not be approved because only three of five criteria required for a variance are met and Section 4.0.11 FCSR requires that all of the criteria are met.

#### Variance Request to Section 4.7.17(a) FCSR

Regarding the proposal for constructing the internal road system with gravel surface instead of pavement, the application includes a request for a variance from FCSR Section 4.7.17(a) which states: *All internal subdivision roads, with the exception of secondary emergency egress roads, shall be paved.* With the exception of the paved facility entrance the applicant wants to use unpaved internal roads. As internal subdivision roads are required to be paved per Section 4.7.17(a) FCSR, the application includes a variance requesting relief from paving of the internal roads. The applicant statement indicates the park entrance would be paved for approximately 100 yards from the edge of the highway, and the gravel interior roads would be managed for dust and degradation through a combination of slow traffic speeds and application of a dust palliative.

Subject to compliance with FCSR Section 4.0.11, the Commission shall not approve a variance unless it finds that all of the following are met:

- a. The variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
  - The variance request indicates granting the variance to allow internal gravel roads will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties because the facility has a short five month annual operation season after which the site is generally inactive, travel speeds would be low with posted 5 mph signage, and the RV park would apply a dust palliative as needed to further minimize dust.
- b. Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the

owner. Undue hardship does not include personal or financial hardship, or any hardship that is self imposed;

- The stated unique hardship is not due to physical surroundings but the particular land use and the short duration of its annual operation. The request indicates paved roads subjected to snow loads are prone to drainage issues and increased maintenance needs.
- c. The variance will not cause a substantial increase in public costs, now or in the future;
- The application states the roads within the campground are privately owned and maintained and there is no obligation for the County to maintain or participate in the operation of the RV Park.
- d. The variance will not place the subdivision in nonconformance with any adopted growth policy, neighborhood plan or zoning regulations;
- The application suggests the variance will not place the subdivision in nonconformance with any adopted growth policy, neighborhood plan or zoning regulations because the site is zoned 'Scenic Corridor' which only applies to off-premises advertising and placement of cell towers. Staff notes that while Section 4.7.17(a) FCSR states all internal subdivision roads shall be paved, the Flathead County Growth Policy doesn't specifically address internal development of facilities such as RV Parks and the document doesn't recognize the differences in attributable impacts between permanent subdivision developments and seasonal use and operations of recreational vehicle parks.
- e. The variance is consistent with the surrounding community character of the area.
- The application suggests the variance is consistent with the surrounding community character of the area because it is located in a rural area and existing RV parks in the area have gravel interior roads which function well. Staff notes other parks and campgrounds in the vicinity of Glacier National Park and on US Forest Service lands don't have paved internal roads.

**Finding #24**– The requested variance appears to meet the criteria required for a variance to be granted because the variance would only pertain to the roads within the subject property which serve a private business and the roads would be posted for low 5 mph traffic speeds, thus would not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties; the hardship is based on the particular type of seasonal land use and the rural setting of its location; granting of the variance would not increase in public costs, now or in the future as the private internal roads would be fully within the boundaries of the RV Park and be privately maintained; the applicable 'Scenic Corridor' zoning only applies to off-premises advertising and placement of cell towers, and; gravel internal roadways would not be inconsistent with the surrounding community character of the rural area and other area parks and campgrounds with roads which are typically not paved.

**Finding #25** – Proper legal and physical access can be provided and potential impacts to the primary review criteria are able to be adequately addressed by conditions. If the requested Variance to Section 4.7.17(a) FCSR is approved, the subdivision proposal and preliminary plat would substantially comply with the Flathead County Subdivision Regulations, effective June 1, 2012.

#### **D. Compliance with the Flathead County Subdivision Review Procedure**

##### **i. Pre-application Conference Date**

June 19, 2013

##### **ii. Application Deadline Date**

December 19, 2013

##### **iii. Completeness Date**

Complete: October 9, 2013

##### **iv. Sufficiency Date**

Sufficient: October 28, 2013

##### **v. Agency Referral Requests Mailing Date**

Sent: October 31, 2013

##### **vi. Adjacent Property Notification Mailing Date**

Sent: November 18, 2013

##### **vii. Legal Notice Publication Date**

Noticed: November 24, 2013 (Daily Interlake)

##### **viii. On-site Posting of Public Hearing Date**

Posted: November 12, 2013

**Finding #26** - The proposal has been reviewed as a major subdivision created for lease or rent in accordance with statutory criteria and standards outlined in Section 4.5.4(a) of the Flathead County Subdivision Regulations effective June 1, 2012.

#### **E. Provision of Easements for the Location and Installation of Planned Utilities**

The preliminary plat and application materials identify existing easements for utilities to serve the RV Park. The subject property is currently served by overhead electric utilities running within an easement adjacent to the US Highway 2 right of way.

**Finding #27** - The proposal includes adequate provision of easements for the location and installation of planned utilities because electricity is currently available to be extended to the proposed RV Park via other areas of the subject property and the utility easement adjacent to the US Highway 2 right of way.

#### **F. Provision of Legal and Physical Access to Each Parcel**

US Highway 2 East would provide the primary legal and physical access to the RV Park and all spaces and structures within it. While it has been identified that the subject property does not have an approach permit issued by the Montana Department of Transportation, the Department provided comment that one may be obtained, and if the approach onto US Highway 2 was improved in compliance with an approved approach permit the RV Park and all spaces and structures within it would have compliant legal and physical access.

**Finding #28**– The preliminary plat includes adequate provisions for legal and physical access to the RV Park and all spaces and structures within it because the approach from US Highway 2 East is able to meet applicable requirements of an approved Montana Department of Transportation approach permit.

#### **G. Review of Applicable Plans**

Section 76-1-605(2)(b) M.C.A states that “A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.” Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual



subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

### **Neighborhood Plan**

The proposed RV Park is not located within an area of the County guided by a specific neighborhood plan.

### **Flathead County Growth Policy**

The subject property is under the jurisdiction of the Flathead County Growth Policy. The Growth Policy, adopted on October 12, 2012, is a general policy document meeting the requirements of 76-1-601 M.C.A. The Growth Policy Designated Land Use Map designates the subject property as 'Suburban Agricultural Land Use'. The location of the proposed RV Park is in a semi-rural area of the county that is non-designated on the Growth Policy Designated Land Uses Map. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy, and although the Growth Policy does not specifically address private recreational development in rural areas, the proposal appears to substantially meet general goals and policies applicable to access and sanitation because the proposed RV Park would have legal access from a state maintained public road and the facility would address water and sanitation through development of public water and sewer systems which are subject to a high level of review to ensure safety to users and non-degradation of the natural environment.. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

## **H. Compliance with Local Zoning**

The proposed RV Park subdivision is located in an area of Flathead County zoned as 'Scenic Corridor' which pertains only to off-premises advertising and location of cellular towers, and otherwise the location is not zoned in regard to specific land uses.

**Finding #29** – The proposed RV Park would comply with the Flathead County Zoning Regulations because the site is zoned 'Scenic Corridor' and the proposal does not entail off-premises advertising or cell towers.

## **V. SUMMARY OF FINDINGS**

1. There would be minimal impact on agriculture and silvicultural activities as a result of the proposed subdivision because the property is not used for agricultural purposes, is not situated with highly suitable soils for agricultural, and is not adjacent to lands currently used for agricultural or silvicultural uses.
2. There would be no impact to agricultural water user facilities because the subject property is not irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements.
3. The developer proposes to use an onsite well as the water source for the proposed public water system, and comment from the Montana Department of Natural Resources and Conservation indicates a water right would be required in order to use a water well for that purpose. If the developer demonstrates legal use of well water serving the public water supply there would be no adverse impact related to water quantity and availability because use of the well water for public water supply would be legally established.

4. The proposal for water and wastewater treatment services for the proposed 62 RV spaces appears reasonable because those systems would be public water and wastewater systems subject to applicable permitting and monitoring approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.
5. Adverse impacts related to recreation are not anticipated as a result of the proposed RV Park subdivision as the proposed playground area is compliant with FCSR Section 4.5.7(h), other recreation amenities including open space and a dog-run area are available to campground/RV park guests, and the site is located in close proximity to Glacier National Park, forest lands, and area lakes and rivers offering a wide array of recreational opportunities to RV park users.
6. Minimal impacts to the existing transportation network are anticipated because the RV Park is accessed by a paved public highway, an approach permit for the facility entrance onto US Highway 2 can be obtained from the Montana Department of Transportation, an approach permit for the fire access/emergency exit onto Monte Vista Way can be obtained from the Flathead County Road and Bridge Department, and the internal road network would be constructed to applicable County standards for gravel roads.
7. The proposed access is via US Highway 2 East and the proposed internal traffic lanes appear reasonable for providing effective and safe access for guests and emergency service providers because the proposed widths of the one-way and two-way internal roads comply with the minimum width standards for RV Park roads outlined in Section 4.5.7 FCSR and the design of the proposed gravel roadways in compliance with applicable road standards would ensure adequacy for heavy and large vehicles such as RV's and emergency response vehicles.
8. Impacts on local services would be acceptable with the imposition of standard conditions because spaces within the proposed RV Park subdivision will be served by a newly created onsite public water system and a newly created onsite public sewer system, the facility will utilize contract haul services for solid waste, the site will be served by the Badrock Fire District and the Flathead County Sheriff's Department in the event of an emergency, and the facility will be served by electric utilities extended underground in conformance with the applicable regulations.
9. Impacts to water quality as a result of the proposed RV Park are anticipated to be minimal because there is no indication of high groundwater onsite; because the proposed public water system will be required to undergo review and receive approval from MDEQ as well as adhere to monitoring standards established by the state; because the proposed public water and sewer systems will be required to undergo review and receive approval from both MDEQ as well as the City-County Health Department to ensure the systems proposed will not degrade existing water quality and quantity, and; stormwater runoff would be managed onsite such that no surface runoff would directly enter state waters or wetland areas.
10. While the primary access to the RV Park is paved, the applicant has proposed gravel surfaces for the internal roads. The proposal would not adversely impact air quality through generation of dust if internal traffic speeds are kept very low as proposed and the applicant adheres to the provisions of the submitted dust control plan because the plan indicates a dust palliative such as magnesium chloride or equivalent would be applied to the internal roads at least once annually at the beginning of the peak summer tourist season.
11. While impacts to onsite flora are anticipated because the heavily forested site necessitates substantial thinning to allow the development of proposed road and utility infrastructure and the 62 RV spaces, no plant species of concern have been identified as being present on the subject property, completion and adherence to a weed control plan will be a condition of preliminary plat approval, and much of the subject property will remain in a relatively natural state as open space.

12. No impact to floodplain, wetland or riparian areas is anticipated as a result of the proposed subdivision because none of these features have been identified as existing on the subject property.
13. Minimal impacts to adjacent properties may be anticipated as a result of the noise created from development and use of the site because these impacts would be limited in duration and mitigated by the open space buffer surrounding the RV Park.
14. Adverse effects of the proposed subdivision on the natural environment would be minimal and acceptable with the imposition of conditions requiring the developer to mitigate dust and to take necessary steps to manage noxious weeds on site. Impact to the other criteria discussed relative to impact on the natural environment would be minimal and acceptable with the imposition of conditions.
15. Limited impacts to wildlife as a result of the proposed RV Park are anticipated as the proposal occurs in a semi-rural area directly adjacent to a major highway corridor and close in proximity to long-developed residential and commercial properties which don't provide prime habitat for endangered species or other wildlife species of concern. Impacts to wildlife occupying the site may be minimized with the imposition of conditions aimed to minimize attractants to wildlife by RV Park guests.
16. Minimal limited impacts to wildlife as a result of the proposed RV Park are anticipated as the proposal occurs in a semi-rural area directly adjacent to a major highway corridor and close in proximity to long-developed residential and commercial properties which don't provide prime habitat for endangered species or other wildlife species of concern.
17. The RV park design appears to allow for safe movement of traffic and access to all spaces and provide safe access to public road because the spaces are sized and configured appropriately, and the internal access roads are proposed to comply with the required minimum width standards for RV parks and would be constructed to meet established County gravel road standards.
18. While the proposal location is within area mapped as Wildland Urban Interface, the effects of this proposed RV Park on public health and safety are acceptable with the imposition of conditions regarding implementation of the 'Fire Prevention, Control, and Fuels Reduction Plan' because adequate physical and legal access to the site is currently provided, adequate emergency services are available, and anticipated forest clearing/thinning and fuels reduction would significantly reduce potential fire hazard on the site.
19. While a 'tanker recharge facility' is shown on the face of the preliminary plat, the applicant's technical representative has indicated the feature is an error and not actually proposed as it was a previous conceptual idea which was determined not necessary based on the fact the site will undergo substantial clearing of forest and associated fuels as an element of site development, the facility operation is anticipated to be primarily seasonal, and RV campers are generally not prone to fire damages as RVs are mobile and the site will be equipped with two separate egress locations.
20. Minimal risks to public health and safety are anticipated and impacts to the other criteria discussed relative to public health and safety would be minimal and acceptable with the imposition of conditions because the site is not located in a special flood hazard area; soils are generally classified as well-drained and the proposal for water, sanitation, and stormwater is required to be reviewed and approved prior to installation of the proposed new facilities, and; there are no hazards associated with geology, avalanche, or airport influence areas.

21. The requested variance from the requirements of Section 4.7.19(b) FCSR meets three of the five criteria required for a variance to be granted because there is adequate space in the adjacent MDT right-of-way to potentially accommodate a future path, and MDT has expressed that it generally allows paths to be built in the public right-of-ways, thus would not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties; granting of the variance would not increase in public costs, now or in the future as the RV Park would be privately maintained, and; granting the variance would not be inconsistent with the surrounding community character as other platted subdivisions in the vicinity do not have pathway easements where their boundaries abut the highway right-of-way.
22. The requested variance from the requirements of Section 4.7.19(b) FCSR fails to meet two of the five criteria required for a variance to be granted because the stated hardship is more a matter of convenience as strict compliance with the regulations would not impose an undue hardship on the owner, and granting of the variance would place the subdivision in non-conformance with the Flathead County Trails Plan and the Flathead County Growth Policy as the Trails Plan was adopted by Resolution No.2015-O as an element of the Growth Policy and the Trails Plan indicates a proposed future arterial path route adjacent the subject property.
23. The requested variance from the requirements of Section 4.7.19(b) FCSR should not be approved because only three of five criteria required for a variance are met and Section 4.0.11 FCSR requires that all of the criteria are met.
24. The requested variance appears to meet the criteria required for a variance to be granted because the variance would only pertain to the roads within the subject property which serve a private business and the roads would be posted for low 5 mph traffic speeds, thus would not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties; the hardship is based on the particular type of seasonal land use and the rural setting of its location; granting of the variance would not increase in public costs, now or in the future as the private internal roads would be fully within the boundaries of the RV Park and be privately maintained; the applicable 'Scenic Corridor' zoning only applies to off-premises advertising and placement of cell towers, and; gravel internal roadways would not be inconsistent with the surrounding community character of the rural area and other area parks and campgrounds with roads which are typically not paved.
25. Finding #25 – Proper legal and physical access can be provided and potential impacts to the primary review criteria are able to be adequately addressed by conditions. If the requested Variance to Section 4.7.17(a) FCSR is approved, the subdivision proposal and preliminary plat would substantially comply with the Flathead County Subdivision Regulations, effective June 1, 2012.
26. The proposal has been reviewed as a major subdivision created for lease or rent in accordance with statutory criteria and standards outlined in Section 4.5.4(a) of the Flathead County Subdivision Regulations effective June 1, 2012.
27. The proposal includes adequate provision of easements for the location and installation of planned utilities because electricity is currently available to be extended to the proposed RV Park via other areas of the subject property and the utility easement adjacent to the US Highway 2 right of way.
28. The preliminary plat includes adequate provisions for legal and physical access to the RV Park and all spaces and structures within it because the approach from US Highway 2 East is able to meet applicable requirements of an approved Montana Department of Transportation approach permit.
29. The proposed RV Park would comply with the Flathead County Zoning Regulations because the site is zoned 'Scenic Corridor' and the proposal does not entail off-premises advertising or cell towers.

## VI. CONCLUSION

In accordance with the provisions of Section 4.5.7 of the Flathead County Subdivision Regulations, a review and evaluation of the RV Park preliminary plat application has been completed by the staff of the Planning Board. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria, pursuant to the 29 Findings of Fact stated above.

### Two Variances Requested

1. A Variance from **FCSR Section 4.7.19(b)** has been requested. The applicant seeks relief from the requirement to dedicate a 15-foot pedestrian/bicycle pathway easement adjacent to a proposed arterial pathway shown on the Flathead County Trail Plan as an existing structure occupies the location where the easement would be situated.

**Finding #21** – The requested variance from the requirements of Section 4.7.19(b) FCSR meets three of the five criteria required for a variance to be granted because there is adequate space in the adjacent MDT right-of-way to potentially accommodate a future path, and MDT has expressed that it generally allows paths to be built in the public right-of-ways, thus would not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties; granting of the variance would not increase in public costs, now or in the future as the RV Park would be privately maintained, and; granting the variance would not be inconsistent with the surrounding community character as other platted subdivisions in the vicinity do not have pathway easements where their boundaries abut the highway right-of-way.

**Finding #22** – The requested variance from the requirements of Section 4.7.19(b) FCSR fails to meet two of the five criteria required for a variance to be granted because the stated hardship is more a matter of convenience as strict compliance with the regulations would not impose an undue hardship on the owner, and granting of the variance would place the subdivision in non-conformance with the Flathead County Trails Plan and the Flathead County Growth Policy as the Trails Plan was adopted by Resolution No.2015-O as an element of the Growth Policy and the Trails Plan indicates a proposed future arterial path route adjacent the subject property.

**Finding #23** – The requested variance from the requirements of Section 4.7.19(b) FCSR should not be approved because only three of five criteria required for a variance are met and Section 4.0.11 FCSR requires that all of the criteria are met.

2. A Variance from **FCSR Section 4.7.17(a)** has been requested. The applicant seeks relief from the standard paving requirement and requests the proposal be approved with gravel surfaced internal roads.

**Finding #24**– The requested variance appears to meet the criteria required for a variance to be granted because the variance would only pertain to the roads within the subject property which serve a private business and the roads would be posted for low 5 mph traffic speeds, thus would not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties; the hardship is based on the particular type of seasonal land use and the rural setting of its location; granting of the variance would not increase in public costs, now or in the future as the private internal roads would be fully within the boundaries of the RV Park and be privately maintained; the applicable ‘Scenic Corridor’ zoning only applies to off-premises advertising and placement of cell towers, and; gravel internal roadways would not be inconsistent with the surrounding community character of the rural area and other area parks and campgrounds with roads which are typically not paved.



Should the Planning Board forward a recommendation of approval of this RV Park Subdivision Created For Lease or Rent to the Flathead County Commissioners, the following conditions should be considered to supplement that recommendation:

## **VII. CONDITIONS**

### **A. Standard Conditions**

1. The applicant shall receive a physical address in accordance with Flathead County Resolution #1626C, as applicable. All road names shall appear on the Revised Preliminary Plat. Street addressing shall be approved by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit from the Montana Department of Transportation indicating the approach for the RV Park entrance onto US Highway 2 East has been built and received final inspection and final approval. [Section 4.7.16, FCSR]
3. The applicant shall show proof of a completed approach permit from the Flathead County Road and Bridge Department indicating the Fire Access/Exit approach onto Monte Vista Way has been built and received final inspection and final approval. [Section 4.7.16, FCSR]
4. The applicant shall comply with reasonable fire suppression and access requirements of the Badrock Fire District. A letter from each fire chief stating that the plat meets the requirements of the District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b), FCSR]
5. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.13(g) and 4.7.25, FCSR]
6. The internal access road shall be designed and constructed in accordance with the Flathead County Road and Bridge Department's "Minimum Standards for Design and Construction", as applicable to paved roads for the paved entrance portion and as applicable to gravel roads for the internal roads. Construction plans and "As-Built" drawings for all roads shall be designed and certified by a licensed engineer and provided to the Road and Bridge Department prior to Revised Preliminary Plat. [Sections 4.7.16 and 4.7.17 FCSR]
7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.13, 4.7.20, 4.7.21 FCSR]
8. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the facility. [Section 4.7.22, FCSR]
9. The following statements shall be placed on the face of the Revised Preliminary Plat:
  - a. All utilities shall be placed underground. [Section 4.7.23, FCSR]
  - b. Solid waste removal shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
  - c. The RV Park owner is bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]

- d. The RV Park owner shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
- 10. As applicable, all road names shall be approved by Flathead County and clearly identified and RV space numbers will be clearly visible from the internal road. RV space numbers shall be at least four inches in length per number. [Section 4.7.27(a)(ii)(D), FCSR]
- 11. All utilities shall be placed underground. [Section 4.7.23, FCSR]
- 12. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
- 13. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to revised preliminary plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
- 14. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
- 15. The Revised Preliminary Plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.5.4(c) FCSR]
- 16. Preliminary plat approval is valid for three years. The Revised Preliminary Plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

## **B. Project-Specific Conditions**

- 17. Prior to Revised Preliminary Plat approval of the RV Park, the applicant shall provide evidence that all applicable permit requirements of the Department of Natural Resources Water Resources Division for the public water supply have been met.
- 18. The following statements shall be placed on the face of the Revised Preliminary Plat: e. e.
  - e. A dust palliative shall be applied to the internal road system annually prior to the peak operation season.
- 19. The following statements shall be placed on the face of the Revised Preliminary Plat:
  - f. This RV Park is located in the Wildland Urban Interface area where wildfires can and do occur. [Section 4.7.27(a)(ii)(A), FCSR]
  - g. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27(a)(ii)(B), FCSR]
  - h. Firewise defensible space standards shall be incorporated around all RV spaces, primary structures and improvements. [Section 4.7.27(a)(ii)(C), FCSR]
  - i. All road names are assigned by the Flathead County Address Coordinator. RV space

numbers shall be clearly visible from the internal road. RV space numbers shall be at least four inches in height per number. [Section 4.7.27(a)(ii)(D), FCSR]

20. Actions called for in the 'Fire Prevention Control and Fuels Reduction Plan' shall be implemented prior to the approval of the Revised Preliminary Plat. The local/reviewing fire authority shall inspect the subdivision and provide written documentation that all thinning, clearing and other mitigation measures described in the plan have been completed as proposed for the RV Park. [Section 4.7.27(b)(iii) FCSR]
21. The Revised Preliminary Plat is not required to show the 'Tanker Recharge Facility' depicted in error on the preliminary plat.
22. Appropriate signs shall be installed to ensure safe and efficient traffic flow to, from and within the one-way road network of the RV Park.
23. The Fire Access/Exit approaching onto Monte Vista Way shall be equipped with a breakaway gate or similar functioning mechanism approved by the Badrock Fire District which will inhibit regular use as an ingress/egress by RV Park guests while allowing ingress/egress in the event of an emergency.
24. Appropriate wildlife signage shall be installed at the entrance to the Campground and RV Park informing guests that grizzly bear, black bear, mountain lion, and a multitude of other wildlife species inhabit the area and identifying RV Park rules to minimize wildlife 'attractants' in order to limit potential conflicts with wildlife. [Section 4.7.22(c) FCSR]